

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

)
) MDL NO. 1456
) Civil Action No. 01-12257-PBS
) Subcategory Case No. 03-10643-PBS
)

THIS DOCUMENT RELATES TO:

) Judge Patti B. Saris
)

The City of New York, et al.,

v.

Abbott Laboratories, et al.

**DECLARATION OF JOHN K. CRISHAM PURSUANT TO
RULE 56(f) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

John K. Crisham hereby declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney-at-law at Kirkland & Ellis LLP, counsel for Defendant Teva Pharmaceuticals USA, Inc., and am admitted to practice before the Courts of the State of Illinois, the District of Columbia, and *pro hac vice* before this Court.
2. This declaration is submitted pursuant to Federal Rule of Civil Procedure 56(f) in opposition to Plaintiffs' motion for partial summary judgment.
3. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the deposition testimony of John Denman, dated April 16, 2008.
4. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the deposition testimony of Richard Foster, dated February 20, 2008.
5. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the deposition testimony of Paul Krauthauser, January 29, 2008.

6. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the deposition testimony of Sue Gaston, dated March 19, 2008.
7. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the deposition testimony of John Wodarczyk, dated August 23, 2007.
8. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the deposition testimony of Patricia Kay Morgan, dated November 30, 2007.
9. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the deposition testimony of Eugene Cioschi, dated February 12, 2008.
10. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from the deposition testimony of Eugene Cioschi, dated July 11, 2008.
11. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the deposition testimony of John Wodarczyk, dated April 17, 2008.
12. Attached hereto as Exhibit 10 is a true and correct copy of Exhibit 5 of the deposition of Paul Krauthauser, dated January 29, 2008.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 15, 2009.

/s/ John K. Crisham
John K. Crisham